

Notice of Allowability

Application No.

10/628,253

Examiner

Satya B. Sastri

Applicant(s)

KIM ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on May 16, 2007.
2. ☒ The allowed claim(s) is/are 2,3 and 13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S COMMENT/REASONS FOR ALLOWANCE

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 10, 2007 has been entered.

2. All previous rejections are withdrawn in view of the amendment filed on April 3, 2007. *Claims 2, 3, 13* are now pending in the application.

Reasons For Allowance

3. *Claims 2, 3, 13* are allowed.

The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over prior art to Yoshihara et al. (WO 02/055612), Kawaguchi et al. (WO 01/88041) and Boroson et al. (US 6,470,594 B1).

The present claims are directed to a composition comprising poly(pentaerythritol acrylate) resulting from the polymerization of monomers represented by formula I or formula II in claim 13 and at least one moisture absorbent selected from the group consisting of silica gel, magnesium, calcium and alkali metal.

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It is noted that US 6,949,284 B2 and US 6,673,436 B2 and are used as the equivalent of WO 02/055612 and WO 01/88041, respectively.

Prior art to Yoshihara et al. discloses antireflective coating compositions comprising pentaerythritol poly-functional acrylate as the binder component (col. 15, lines 20-37).

Kawaguchi et al. disclose material which can absorb moisture in an equipment such as an electronic device. The material comprises a hygroscopic agent and a resinous component (abstract). The hygroscopic agent is selected from the group consisting of oxides of alkaline earth metals and sulfates.

Boroson et al. disclose highly moisture sensitive element comprising a water absorbing material. Typical water absorbing materials include alkali metal oxides, alkaline metal oxides, sulfates, metal halides molecular sieves etc. may be packaged within moisture permeable containers or binders (col. 6, lines 19-45).

The prior art of record does not teach or suggest a composition comprising poly(pentaerythritol acrylate) and a water absorbent as claimed presently. Additionally, the examiner has withdrawn the 35 U.S.C. 112, second paragraph rejection of claim 4 presented in the office action dated 7/10/06 (now incorporated into claim 13) as being indefinite with regard to the elements of the Markush group on the following basis: Although the present claims that include calcium, magnesium and alkali metal in the Markush group imply that these species are in elemental form, it would be obvious to one skilled in the art that the alkali and alkaline compounds are used as water absorbents as evidenced by applicants' specification (page 1, lines 21-22), hygroscopic agents disclosed by Kawaguchi et al. and water absorbing compounds disclosed by Boroson et al.

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Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Future Correspondence

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112. The examiner can be reached on Wednesdays and Fridays, 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273 8300 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SATYA SASTRI

July 18, 2007


DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700